

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

16 Cr. 702 (PAE)

-v-

CECIL MARSHALL,

ORDER

Defendant.

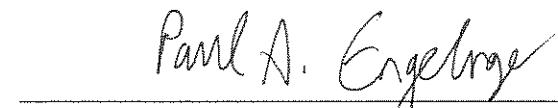
PAUL A. ENGELMAYER, District Judge:

On August 29, 2022, the Government filed *motions in limine* seeking rulings on various evidentiary issues in advance of a violation of scheduled release hearing (“Hearing”) scheduled for September 12, 2022, at 10 a.m. The Government also requests that the Court set a prehearing deadline for the defense to produce exhibits and materials pursuant to Federal Rules of Criminal Procedure 16 and 26.2. Dkt. 50. On September 7, 2022, defense counsel wrote to inform the Court that it does not oppose the Government’s *motions in limine*. At the time of this Order, that letter is not available on ECF.

The Court hereby grants the Government’s unopposed motions to admit (1) out-of-court statements made by two unavailable witnesses; and (2) evidence of Marshall’s prior guilty plea to a supervised release violation premised on domestic assault if intent, absence of mistake, lack of accident, or identity are put at issue by Marshall at the Hearing.

As to production, defense counsel is ordered to supply the Government, by 12 p.m. ET on September 9, 2022, with any materials pursuant to Federal Rule of Criminal Procedure 26.2 and identify any exhibits that it intends to introduce at the Hearing.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: September 7, 2022
New York, New York